

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES HANKINS,

Plaintiff,

v.

9:07-CV-0408
(FJS/GHL)

NYS DEPARTMENT OF CORRECTIONAL SERVICES;
BRIAN FISCHER, Commissioner, NYS DOCS;
LUCIEN LeCLAIRE, Former Commissioner,
NYS DOCS; JOHN DOE #1, "Mess Hall"
Corrections Officer at Shawangunk
Correctional Facility; and JOHN DOE #2,
Corrections Sergeant/Hearing Officer at
Shawangunk Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL

JAMES HANKINS, 98-A-4240
Plaintiff, *Pro Se*
Eastern New York Correctional Facility
Box 338
Napanoch, NY 12458

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
Counsel for Defendants
The Capitol
Albany, NY 12224

ADELE M. TAYLOR-SCOTT, ESQ.

FREDERICK J. SCULLIN, JR., S.D.J.:

ORDER

Currently before the Court is Magistrate Judge Lowe's March

10, 2008 Report-Recommendation to which the parties have filed no objections. Having reviewed that Report-Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report-Recommendation of Magistrate Judge George H. Lowe filed March 10, 2008 is **ACCEPTED** in its entirety, for the reasons stated therein; and the Court further

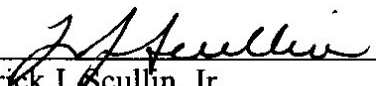
ORDERS that Defendants' motion to dismiss for failure to state a claim is **GRANTED** and the Court further

ORDERS that Plaintiff's complaint is **DISMISSED with prejudice**, and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: May 6, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge